

RULES OF PROCEDURE
MONTANA LEGISLATIVE COUNCIL
Revised May 2001

Part A. Council Meeting Rules

- A-1.** Each Legislative Council shall determine the rules of its proceedings. (Formerly RULE I)
- A-2.** These rules may be altered, suspended, or amended by vote of a majority of the Council. (Formerly RULE XII)
- A-3.** Regular meetings of the Legislative Council must be held in the State Capitol, Helena, Montana, unless otherwise approved by a majority of members. Meetings may be scheduled by the Chairperson or by a majority of the members. A meeting agenda must be sent to each member prior to each meeting. A member of the Legislative Council who misses two (2) consecutive meetings may be removed from the Council by a majority of the Council. (Formerly RULE II)
- A-4.** All meetings of the Legislative Council must be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable. (Formerly RULE III)
- A-5.** All meetings are open to the public except where matters of individual privacy are discussed. (Formerly RULE IX; amended 8/5/96)
- A-6.** The minutes of all regular and special meetings must be mailed to each member of the Council as soon as possible after each meeting. (Formerly RULE VII)

Part B. Rules Governing Council Duties

- B-1.** If a question of statewide importance arises when the Legislature is not in session and a study committee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate committee as provided in 5-11-105, MCA. (Formerly RULE IV)
- B-2.** All publicity and news releases on behalf of the Council must be made by the Chairperson of the Council. (Formerly RULE X)
- B-3.** *(Policy out-of-state travel expenses for a lame duck legislator.)* (Formerly RULE XI; removed 5/17/99)

B-4. The Legislative Council may adopt a request for an interim study prior to the compilation of the list of study requests required by 5-5-217, MCA. A request so adopted must be included on the list sent to legislators for ranking as to priority. (Adopted 10/5/96)

B-5. For the deliberation of the Legislative Council provided for in 5-5-217(2), MCA, the Legislative Council shall invite the attendance and comments of each sponsor of an interim study resolution that is under consideration during the setting of interim study priorities. Where possible, the sponsor's presentation should be made prior to adjournment *sine die*. (Adopted 10/11/94)

B-6. In setting priorities for interim study, the Legislative Council may not make a priority of any study request funded by special revenue until all of the special revenue is available for expenditure. (Adopted 10/11/94)

B-7. In order to ensure the most efficient and effective use of staff and financial resources, the Legislative Council may establish such procedures or guidelines as may be necessary to facilitate provision of effective and efficient staff resources on behalf of an interim committee and establish time limits within which interim committee support work or other interim committee activities must be completed. (Adopted 10/11/94; amended 5/17/99)

B-7.1 The Legislative Council will determine when the anticipated workload for an interim committee may require the appointment of additional members as provided in 5-5-211, MCA. The Legislative Council may make this determination on its own initiative or on application from an interim committee. Appointments must be made by the Committee on Committees and the Speaker of the House. An interim committee may suggest members to be appointed for consideration of the appointing authorities. (Adopted 5/17/99; amended 5/18/01)

B7.2 (*Committees from which members to interim committees should be selected.*) (Removed 5/18/01)

B7.3 The Legislative Council shall serve as a clearinghouse for all interim studies to be conducted within the Legislative Branch and retains authority to review interim work undertaken by interim committees. (Adopted 5/17/99)

B-8. Sections 77-2-302 and 77-2-351, MCA, authorize the Board of Land Commissioners to dispose of, sell, or exchange certain state lands after consultation with the appropriate legislative committee. The Legislative

Council has assumed the role of the appropriate legislative committee. The process provided in this rule will be followed in fulfilling this consultative role.

(1) The chairman shall set a consultation on the agenda when the Board presents a timely request with documentation meeting the adopted criteria. In cases in which the chairman determines that it is important that the consultation be completed before the next regularly scheduled meeting of the Legislative Council, the chairman may provide for consultation by conference telephone call or by mail. Following the consultation, the Legislative Council shall notify the Board that consultation, as required by 77-2-302 or 77-2-351, MCA, has occurred. If the Legislative Council has recommendations or concerns for the Board to consider, they may be added.

(2) The Board shall provide the Legislative Council with at least the following information with respect to potential land transfers:

(a) For a transfer proposed under 77-2-302, MCA -- disposition of former institutions and certain federal grant lands:

1. Are the lands, including buildings, in fact properties formerly used as or by a state institution and no longer used for institutional purposes?

a. Provide an accurate written description of the properties involved, including a legal description and the acreage involved.

b. Provide a general location map showing graphically the same information as required in the written description of the properties.

c. Provide an affidavit indicating the qualifying state institutional use and verifying the lack of current use.

2. Are there legal restrictions on the proposed transfer?

Provide a legal assessment of restrictions or limitations on the transfer or the lack of restrictions or limitations that may exist under The Enabling Act, the Montana Constitution, or other restriction under law.

3. Are the terms of the proposed transfer in the best interest of the state?

Document the proposed terms of the transfer and any alternative terms that may have been considered.

4. Is the manner of the transfer in accordance with public policy?

Document the proposed manner of the transfer, including plans for the required 60-day notice period.

(b) For a transfer proposed under 77-2-351, MCA -- sale to or exchange of property with public entity.

1. What lands are involved?

a. Provide an accurate written description of the properties involved, including a legal description and the acreage involved.

b. Provide a general location map showing graphically the same information as required in the written description of the properties.

2. Are there restrictions on the transfer?

a. Provide an affidavit documenting whether the land is or is not granted to or held by the state in trust for the support of the common schools, for a state institution, or for another specific purpose.

b. Provide an affidavit indicating any known restrictions on the transfer or stating that there are none.

3. Are the terms of the proposed transfer in the best interest of the state?

a. Document the proposed terms of the transfer and any alternative terms that may have been considered.

b. If the transfer involves a binding commitment to use the property to provide a community service or a benefit that fulfills a public purpose, provide documentation showing the details of the commitment.

c. Document that the transferee is a “public entity” as that term is used in 77-2-351, MCA.

4. Is the manner of the transfer in accordance with public policy?

Document the proposed manner of the transfer, including plans for the required 60-day notice period. (Adopted 05/15/98; amended 05/17/99)

Part C. Rules Governing Staff

C-1. Subject to limitations of the approved operating plan, the Executive Director may engage such employees and consultants as necessary to discharge Legislative Services Division duties.

The Executive Director may engage consultants on behalf of committees served by the Legislative Services Division subject to the approval of the committee involved and limitations of the applicable budget. (Formerly RULE VI; amended 10/5/96)

C-2. (Removed 10/5/96)

C-3. Staff of the Legislative Services Division may not represent a legislator as an individual. Staff may not prepare speeches for individual members. Staff may not prepare arguments for use in a voter information pamphlet. This rule does not prohibit staff from responding to legitimate requests for information that may or may not be used by a member of the legislature for preparation of a speech or argument.

C-4.1 Bill drafting requests will not be honored until after the legislative general election results are known, except that the requests from holdover senators and legislators running unopposed may be processed as staff time permits.

C-4.2 To facilitate the preparation of bills proposed by elected officials of the Executive Branch, prior to November 1 preceding a regular session, staff may accept agency bill drafting requests that have been reviewed and approved for drafting by the interim committee to which the agency is assigned as requests of

that committee. A bill drafting request processed under this rule must be preintroduced. The Legislative Services Division staff shall cancel a request not preintroduced.

C-4.3 The Legislative Council will act as the requestor for bills requested by newly elected state executive officials until December 5 preceding a regular session.

C-4.4 Prior to a special session called by the Governor, staff may accept bill drafting requests from the Governor designed to implement the provisions of the governor's call as a request of the Legislative Council not more than two working days following issuance of the call. (Formerly RULE V(2); amended 10/5/96; amended 11/17/00; amended 5/18/01)

C-5. All bill drafting requests must be specific as to what the legislator wishes to accomplish and must also outline the method which will achieve that end. The Executive Director or the Legal Services Director is authorized to return a bill drafting request to a legislator for more information. (Formerly RULE V(3))

C-6. Rules governing bill drafting priorities. (1) There are two categories of drafting request for which the work priority must be established separately in accordance with these rules: the staff draft category and the legislator draft category. To be categorized as a legislator draft, the legislator must designate the request as such upon submission to the Legislative Services Division. A bill not designated as a legislator draft at the time it is requested is categorized as a staff draft.

(2) The legislator is responsible to deliver the text of a legislator draft to the Legislative Services Division in printed form and as a file on a computer diskette in a manner that conforms to the current style required by the *Bill Drafting Manual* published by the Legislative Services Division no later than the 20th legislative day of a regular legislative session or by a date set by the Legislative Council for a special session. A legislator draft not delivered to the Legislative Services Division by the deadline must be canceled. (A legislator draft found by the Legislative Services Division not to meet the current style requirements of the *Bill Drafting Manual* is regarded as not having been delivered and must be canceled.) The Executive Director or Legal Services Director of the Legislative Services Division shall notify a legislator immediately of a reclassification of a draft under this rule.

(3) Staff assigned bill drafting requests categorized as staff drafts shall begin work on the requests in the order the requests were made -- "First in, first worked on". A bill draft may be set aside and a later priority draft taken up when the drafter is awaiting information needed to complete a draft. When a bill is set

aside for further information required from the requestor that is anticipated to require a day or more, the request must be given a "hold" status. A bill on a "hold" status on or after the 10th legislative day of a regular session or a day designated by the Legislative Council for a special session must be prioritized as the lowest priority among the drafts assigned the drafter at that time. This lower priority applies only to the drafter. A bill may not be set as a priority over another in contravention of this policy except upon the approval of the presiding officer and the minority leader in each house. This rule does not guarantee a strict "first-in-first-out" result. Due to staff drafting specialties, bill complexities, a priority taken by a legislator draft or set by leadership, and other variations, such results cannot be assured. The rule does guarantee fair treatment of all requests for staff drafts.

(4) Staff assigned bill drafting requests categorized as legislator drafts shall begin work on the request as the highest drafting priority. Priority among legislator requests shall follow the "First in, first worked on" principle discussed in (2).

(5) The relative priority for work among drafts is maintained at each step as the draft passes through the Legislative Services Division bill drafting process. (Amended 10/5/96)

C-7. Once a bill draft has been submitted for legal review by a bill drafter, a requestor is entitled to submit a bill draft to the Legislative Services drafting staff for correction or minor alteration (REDO) under the original request priority one time.

(1) To receive the priority of the original request under this policy, the requestor must notify the Legislative Services Division of the potential need for a change in the draft:

(a) within 14 calendar days of delivery of a formal review draft to the legislator before the session begins; or

(b) within 24 hours after delivery of a formal review draft during a legislative session

(2) The requestor must provide the drafter with the information required to make all necessary corrections within 14 calendar days after notification prior to the beginning of a session and within 7 calendar days after notification during a session.

(3) A redraft requested after these deadlines for a bill that may still be introduced will be treated as a new drafting request with regard to priority and moved to the bottom of the drafter's priority list. Corrections of obvious clerical errors are not covered by this policy; such errors will be corrected as expeditiously as possible. (Amended 9/24/92)

C-8. A Legislative Services Division staff person may not draft a proposed initiative measure or a proposed administrative rule. (Formerly RULE V(4); amended 5/17/99)

C-9. (Removed 10/5/96)

C-10. The Executive Director shall administer the fiscal affairs of the Legislative Branch in accordance with budgets and allocations adopted by the responsible approving authority. The Executive Director shall provide financial reports and information to the approving authorities from time to time showing expenditures and expenditure plans as requested by the approving authority or a representative of the approving authority. Claims against Legislative Branch appropriations for legislator travel reimbursement are subject to approval based upon legal eligibility and conformance with guidelines adopted by the Legislative Council. (Formerly RULE VIII; amended 10/5/96)